Remarks

The Applicants respectfully request reconsideration of the application in view of the foregoing amendments and the following remarks.

Claims 1-15 are pending in the Application. The Applicants have amended claims 1, 6 and 11.

Claim Objections

In the Office action dated December 22, 2004 (the "Office Action"), the Examiner objected to claim 1 as including informalities regarding the word "user" because the word is repeated in the phrase "receiving user input from the user . . . ." Applicants have amended claim 1 to delete the first instance of the word "user" in the phrase. Applicants have similarly amended claims 6 and 11. The Applicants note that these amendments do not change the substantive scope of the claims.

Claim Rejections – 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1-15 as being unpatentable over U.S. Publication No. 2002/0122067 A1 to Geigel et al. ["Geigel"] in view of U.S. Publication No. 2002/0126141 A1 to Mastronardi ["Mastronardi"].

I.   **Geigel and Mastronardi, taken separately or in combination, fail to teach or suggest several limitations in each of claims 1-15**

Geigel and Mastronardi, taken separately or in combination, fail to teach or suggest at least several limitations of each of claims 1-15. First, Geigel and Mastronardi, taken separately or in combination, fail to teach or suggest the following language of claims 1, 6, and 11, respectively.

Claim 1, as amended, recites:

b)	displaying, to a user, the group of images for which corresponding image files are available;
c)	prompting the user to select a plurality of images from the group;
d)	receiving input from the user by which the user selects one or more images from the group;
e)	prompting the user to save the selected images as an album of images;

Claim 6, as amended, recites:

    b)   display, to a user, the group of images for which corresponding image files are available;

    c)   prompt the user to select a plurality of images from the group;

    d)   receive input from the user by which the user selects the plurality of images from the group;

    e)   prompt the user to save one or more of the selected images as an album of images;

Claim 11, as amended, recites:

    b)   means for displaying, to a user, the group of images for which corresponding image files are available;

    c)   means for prompting the user to select a plurality of images from the group;

    d)   means for receiving input from the user by which the user selects one or more images from the group;

    e)   means for prompting the user to save the selected images as an album of images;

Geigel does not teach or suggest, and in fact leads away from, the above-cited language of claims 1, 6, and 11, respectively. [M.P.E.P 2141.02, PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS.] As the Applicants have explained previously in their May 27, 2004 Response, Geigel describes a system and method for automatic layout of images in digital albums. [Geigel, Abstract.] The user inputs into the Geigel system an entire collection of images, such as from a digital camera. [*See* Geigel, ¶¶ [0055], [0056].] The Geigel system does not display images and prompt the user to select images to be included in an album from the collection of images that were input. In contrast, in several respects, Geigel teaches directly away from prompting for such input from the user:

[0055] A complete *albuming automation* system utilizes various image science algorithms and techniques including advanced event clustering, dud detection, image appeal and automatic page layout. In an illustrative embodiment, the emphasis of such a system is for a "DAFY" (Do-it-All-For-You) like product, where the user inputs a collection of images and the system produces an album (a collection of images) *with minimal input from the user*.

[emphasis added; see also paragraph [0009].]

Automating album creation with minimal input from the user (as in Geigel) leads directly away from prompting a user and receiving input as recited in claims 1, 6, and 11, respectively. Further, Geigel describes the automated system as including "Dud/Duplicate Detection" in paragraph [0061]. *Automated* processing to detect "dud" or "duplicate" pictures also leads away from the above-cited language of claims 1, 6, and 11, respectively.

The Examiner states that Geigel teaches "prompting the user to select a plurality of images from the group" at paragraph [0010], noting that paragraph [0010] teaches "assigning image objects to a page based on user preferences." [Office Action at 3.] The Applicants respectfully disagree. Paragraph [0010] of Geigel describes part of an "automated album layout method" that takes a set of image objects and assigns *"each* image object to a page." [Emphasis added.] After the automatic method has created a page of the album, the page may then be displayed for "distribution refining" based on user input. [Geigel at ¶ [0010].] The "distribution refining" involves refinement of user-specified graphic design parameter preferences [*see* Geigel at ¶¶ [0056], [0085]], but does not involve assignment or selection of the constituent images for an album. Specifying or refining graphic design parameter preferences for a page but not constituent images (as in Geigel) leads away from the above-cited language of claims 1, 6, and 11, respectively.

Stated another way, the Applicants respectfully submit that paragraph [0010] of Geigel fails to disclose or suggest the above-cited language for at least two reasons. First, paragraph [0010] discusses assigning *each* image object to a particular album page, not selecting images from a group for inclusion in an album. Paragraph [0010] does not discuss selecting which images will be included in the album, only where the images will be placed in the album. Second, even assignment of the images to particular pages is not done by the user. Rather, it is done "according to a fitness function's parameters of a genetic engine." [Geigel at ¶ [0010].] Later, Geigel states more specifically that a particular automated module, not the user, is responsible for determining which images are assigned to a particular page: "The Page Creator Module 126 is responsible for assigning each image to an album page." [Geigel at ¶ [0077].] Therefore, if anything, Geigel's teachings

regarding placement of images on particular pages leads away from the above-cited language of claims 1, 6, and 11, respectively.

The Examiner did not assert that Mastronardi teaches the above-cited language of claims 1, 6, and 11. The Applicants have discussed Mastronardi in their May 27, 2004 Response. As discussed there, Mastronardi does not involve selecting images *for an album of images*. Accordingly, Mastronardi does not teach or suggest the above-cited language from claims 1, 6, and 11, respectively, and does not make up for the deficiencies of Geigel with respect to those claims.

Second, Geigel and Mastronardi, taken separately or in combination, fail to teach or suggest the following language of claims 1, 6, and 11, respectively.

Claim 1, as amended, recites:

g) making a copy of each image file that corresponds to one of the selected images to result in image file copies;

h) compressing the image file copies.

Claim 6, as amended, recites:

g) make a copy of each image file that corresponds to one of the one or more selected images to result in one or more image file copies;

h) compress the one or more image file copies.

Claim 11, as amended, recites:

g) means for making a copy of each image file that corresponds to one of the selected images to result in image file copies.;

h) means for compressing the image file copies.

Geigel fails to teach or suggest the above-cited language of claims 1, 6, and 11, respectively. Indeed, once again Geigel teaches directly away from the claim language. [M.P.E.P 2141.02, PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS.] Geigel describes processing the input images and then producing an output, but does not describe making and compressing copies of the underlying image files. [*See, e.g.*, Geigel Fig. 1.]

In the Office Action, the Examiner cited paragraph [0061] of Geigel as disclosing, for example, "making a copy of each image file...." [Office Action at 3.] Paragraph [0061] describes a "Dud/Duplicate Detection" method. This paragraph does not teach or suggest making copies of image files; it describes detecting and removing duplicates. [Geigel at ¶ [0061].] In fact, Geigel teaches away from making and compressing copies: "duplicates and duds [are] *removed* from the system." [Geigel at ¶ [0077].] The Examiner acknowledges, "Geigel does not teach compressing the image file copies." [Office Action at 3.]

Mastronardi describes a process for selecting a recording on a digital audiovisual reproduction system, or in other words a digital jukebox. [Mastronardi at ¶ [0002].] Using user-friendly windows, a user can select a visual or sound recording that is stored in compressed digital form in bulk storage. [Mastronardi at ¶¶ [0008], [0014].] As to type of content, Mastronardi does not involve images *for an album of images*. Moreover, as to operations on content, Mastronardi describes a "reproduction system" that performs decompression and other operations *for playback or presentation of content*; the Mastronardi system does not itself perform compression on content. Accordingly, Mastronardi does not teach or suggest the above-cited language from claims 1, 6, and 11, respectively, and Mastronardi does not make up for the deficiencies of Geigel with respect to claims 1, 6, and 11, respectively.

For each of claims 1, 6, and 11, neither Geigel nor Mastronardi individually teaches or suggests the above-cited language. Accordingly, the combination of these references also fails to teach or suggest the above-cited language, and claims 1, 6, and 11 should be allowable.

Claims 2, 7, and 12 depend from claims 1, 6, and 11, respectively, and are therefore patentable for the reasons given above with reference to claims 1, 6, and 11. In addition, claims 2, 7, and 12 recite the following features:

- Claim 2: "making a contact sheet image including a user-selected album title having a font and color selected by the user, the contact sheet image further including representations of the images contained in the album";

- Claim 7: "instructing the computing device to make a contact sheet image including an album title and representations of the one or more images contained in the album"; and

- Claim 12: "means for making a contact sheet comprised of a user-selected album title having a font and color selected by the user and including representations of the images contained in the album."

The Examiner cited the page creator module 126 of Figure 7 of Geigel as teaching "making a contact sheet image." [Office Action at 4.] However, "[t]he Page Creator Module 126 is responsible for assigning each image to an album page," not for making a contact sheet image as recited in claims 2, 7, and 12, respectively. [Geigel at ¶ [0077].] The Examiner cited Figures 19-22 as teaching "a user-selected album title having a font." [Office Action at 4.] However, the alphanumeric characters in Figures 19-22 "are the emphasis values for the particular image," not a title for an album, or even a title for a particular image. [Geigel at ¶ [0155].] The Examiner cites to paragraph 80 for teaching the color of an album title, but paragraph 80 merely defines the principle of balance. [*Compare* Office Action at 4 *with* Geigel at ¶ [0080].] Finally, the Examiner cites paragraph [0056] of Geigel as teaching "the contact sheet image further including an album tile representations of the one or more images contained in the album." [Office action at 4.] However, paragraph [0056] in no way teaches or suggests including representations of the album images on a contact sheet image. Thus, Geigel does not teach or suggest an album title or having representations of the album images on a contact sheet image, let alone a contact sheet image including an album title *and* representations of the album images. In sum, the Applicants respectfully submit that Geigel does not teach the added limitations of claim 2, 7, or 12.

Mastronardi also does not teach or suggest the above-cited language of claim 2, 7, and 12, respectively, and the combination of these references also fails to teach or suggest the above-cited language of claim 2, 7, and 12, respectively. Claims 2, 7, and 12 should be allowable.

In view of the foregoing remarks, the Applicants will not belabor the merits of the separate patentability of dependent claims 3-5, 8-10, and 13-15 at this point.

Conclusion

The claims in their present form should now be allowed. Such action is respectfully requested. The Examiner is invited to call the undersigned attorney at the telephone number below if the Examiner believes that doing so would further the prosecution of the present application.

Respectfully submitted,

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